

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION CORPORATION,	)	
Plaintiff,	)	<b>Adv. Pro. No. 08-01789 (CGM)</b>
	)	
v.	)	<b>SIPA Liquidation</b>
	)	<b>(Substantively Consolidated)</b>
	)	
BERNARD L. MADOFF INVESTMENT SECURITIES, LLC,	)	
	)	
Defendant.	)	
In re:	)	
	)	
BERNARD L. MADOFF,	)	
	)	
Debtor.	)	
IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC,	)	<b>Adv. Pro. No. 12-01669 (CGM)</b>
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
BARFIELD NOMINEES LTD.,	)	
	)	
Defendant.	)	
	)	
	)	

**STIPULATION AND ORDER  
EXTENDING DEFENDANT'S TIME TO APPEAL**

This Stipulation and Order is entered into by and between Plaintiff Irving H. Picard, as Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC and the Chapter 7 Estate of Bernard L. Madoff (the "Trustee"), and Defendant Barfield Nominees Ltd. ("Barfield") through their respective undersigned counsel.

**RECITALS**

A. On April 28, 2022, Barfield filed its Motion to Dismiss the Complaint in this Adversary Proceeding, No. 12-1669 (CGM) [ECF No. 88] (the “Motion”). The Motion was fully briefed as of August 10, 2022.

B. On August 25, 2022, the parties agreed to waive oral argument and rely on their papers submitted in support of and in opposition to Barfield’s Motion [ECF No. 101].

C. On September 28, 2022, this Court issued its Memorandum Decision Denying the Motion [ECF No. 105].

D. On October 13, 2022, based on the Memorandum Decision, this Court entered its Order Denying the Motion under Bankruptcy Rule 7012(b) and Federal Rule of Civil Procedure 12(b)(6) [ECF No. 107] (the “October 13, 2022 Order”).

E. Under Bankruptcy Rule 8002(a)(1), the last day on which to file a notice of appeal from the October 13, 2022 Order is 14 days after entry of the order, *i.e.*, on October 27, 2022.

F. Barfield seeks an extension of time to file such notice of appeal in order to consider whether to appeal and on what grounds, and if so, to prepare the required papers for a motion for leave to appeal.

G. Under Bankruptcy Rule 8002(d)(1), the Bankruptcy Court may extend the time to file a notice of appeal upon a party’s motion that is filed within the time prescribed by Rule 8002, *i.e.*, October 27, 2022. Bankruptcy Rule 8002(d)(3) permits such an extension to 21 days after the time prescribed by Bankruptcy Rule 8002(a)(1), *i.e.*, to November 17, 2022.

H. No previous motion for an extension of time to file such notice of appeal has been made.

I. The Trustee consents to Barfield’s request to extend its time to appeal to November

17, 2022.

**IT IS THEREFORE STIPULATED THAT:**

1. For purposes of Bankruptcy Rule 8002(d), this Stipulation and Order shall be deemed a motion by the parties for extension of time for filing (a) a notice of appeal of the October 13, 2022 Order and (b) a motion for leave to appeal in accordance with Bankruptcy Rules 8002(a)(1) and 8004(a) (collectively, the “Required Filings”), through and including November 17, 2022 (the “Extended Filing Deadline”).

2. The parties further request that (a) the Trustee’s opposition to a motion for leave to appeal, if any, shall be filed no later than December 15, 2022, and (b) Barfield’s reply in further support of a motion for leave to appeal shall be filed no later than December 29, 2022.

3. This Court hereby grants the parties’ motion pursuant to Bankruptcy Rule 8004(d). Accordingly, if Barfield wishes to appeal the October 13, 2022 Order, Barfield shall make the Required Filings by the Extended Filing Deadline. The Trustee’s opposition to a motion for leave to appeal shall be filed by December 15, 2022, and Barfield’s reply to any such motion shall be filed by December 29, 2022.

*[Signatures on following page]*

Dated: October 17, 2022  
New York, New York

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Ltd.*

**Dated: October 18, 2022  
Poughkeepsie, New York**



**/s/ Cecelia G. Morris**

**Hon. Cecelia G. Morris  
U.S. Bankruptcy Judge**